

ORIGINAL

Approved: *Zark Ai*
ALEXANDER LI
Assistant United States Attorney

Before: THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York

19MAG 7224

----- X	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	
- v. -	:	Violations of
	:	18 U.S.C. §§ 1038(a)(1)
	:	and 2
GREGORY HERMAN,	:	
	:	COUNTY OF OFFENSE:
Defendant.	:	NEW YORK
----- X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

ROOSEVELT RICE, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshal Service, and charges as follows:

COUNT ONE

(False Information and Hoaxes)

1. On or about June 5, 2019, in the Southern District of New York and elsewhere, GREGORY HERMAN, the defendant, did engage in conduct with intent to intentionally convey false and misleading information, under circumstances where such information may reasonably have been believed, and where such information indicated that an activity had taken, was taking, and would take place that would constitute a violation of 18 U.S.C. chapters 2, 10, 11B, 39, 40, 44, 111 and 113B, 42 U.S.C. § 2284, 49 U.S.C. § 46502, the second sentence of 49 U.S.C. § 46504, and 49 U.S.C. §§ 46505(b)(3) and (c), 46506, and 60123(b), to wit, HERMAN called the Daniel Patrick Moynihan United States Courthouse (the "Courthouse") located in Manhattan, New York, and falsely stated that the Courthouse would be demolished at a specific time that day.

(Title 18, United States Code, Sections 1038(a)(1) and 2.)

2. The bases for my knowledge and for the foregoing charge are, in part, described in the following paragraphs.

3. I am a Deputy United States Marshal and have been for approximately 5 years. This affidavit is based on my personal participation in the investigation of this matter, my conversations with law enforcement agents and other individuals, and my examination of reports and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported in this complaint, they are reported in substance and in part, except where otherwise indicated.

The Courthouse Threat

4. Based on my review of law enforcement records, my review of business records, and my conversations with other law enforcement agents and other individuals, I have learned the following information, among other things:

a. On or about June 5, 2019, a telephone number ending in 4690 ("Telephone Number-1") was activated using a pre-paid SIM card. At approximately 2:11 p.m. that day, Telephone Number-1 called the phone number (212) 805-0136, which is the main number for the Courthouse. The caller stated, in substance: "Listen up, today at exactly 2:40 p.m. the Patrick Moynihan building will be completely demolished. Time is ticking." The caller then hung up.

b. Other than the Courthouse and the service number "#686#," the only other phone number that Telephone Number-1 called on June 5, 2019 was a telephone number ending in 3961 ("Telephone Number-2"). Telephone Number-1 called Telephone Number-2 at approximately 1:31 p.m. and 1:59 p.m., shortly before calling the Courthouse. The calls to Telephone Number-2 terminated without being completed.

c. On or about June 7, 2019, Telephone Number-2 placed two completed calls to Telephone Number-1. Telephone Number-1 received no other calls that day.

Herman is Identified

5. Based on my review of law enforcement records, my review of court records, and my conversations with other law enforcement agents and other individuals, I have learned the following information, among other things:

a. On or about January 8, 2016, GREGORY HERMAN, the defendant, pleaded guilty before the Honorable Christina Reiss, then Chief Judge of the United States District Court for the District of Vermont, to possession with intent to distribute heroin, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C). On or about April 15, 2016, Chief Judge Reiss sentenced HERMAN principally to a term of imprisonment of 65 months followed by 5 years of supervised release.

b. On or about January 9, 2019, HERMAN began his term of supervised release. On or about May 30, 2019, the United States District Court for the District of Vermont issued an order transferring jurisdiction over HERMAN's supervised release to the United States District Court for the Southern District of New York. The United States District Court for the Southern District of New York accepted jurisdiction on or about June 6, 2019.

c. Records of the United States Probation Office reflect that GREGORY provided Telephone Number-2 as part of his contact information.

d. Records of the United States Probation Office further reflect that GREGORY was due to report for a urinalysis at the Courthouse on June 5, 2019 at 3:00 p.m., approximately 49 minutes after the Telephone Number-1 called the Courthouse. GREGORY reported for his urinalysis at approximately 3:20 p.m. that day and tested positive for a narcotic.

6. On or about July 30, 2019, I participated in an interview of GREGORY HERMAN, the defendant. Another law enforcement officer advised HERMAN that he was not under arrest, was not required to answer any questions, and was free to leave at any time. HERMAN agreed to answer questions and stated, in part and in substance:

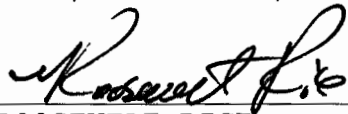
a. HERMAN used Telephone Number-2.

b. HERMAN had purchased the SIM card used with Telephone Number-1.

c. HERMAN had called the Courthouse in reference to a "bomb scare."

d. HERMAN had hoped his urinalysis would be cancelled.

WHEREFORE, deponent respectfully requests that a warrant issue for the arrest of GREGORY HERMAN, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.



ROOSEVELT RICE
Deputy United States Marshal
United States Marshal Service

Sworn to before me this
2nd day of August, 2019



THE HONORABLE ANNA T. WANG
United States Magistrate Judge
Southern District of New York